

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KANG LU,

Plaintiff,

v.

EXECUTIVE OFFICE OF PUBLIC SAFETY
AND SECURITY (EOPSS); TERRENCE REIDY,
in his official capacity as Secretary of EOPSS;
OFFICE OF THE ATTORNEY GENERAL; and
ANDREA JOY CAMPBELL, in her official
capacity as Attorney General of Massachusetts,

Defendants.

CIVIL ACTION
NO. 1:23-cv-12045-AK

**DEFENDANTS' ASSENTED-TO MOTION FOR
EXTENSION OF TIME TO FILE MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 6(b)(1), Defendants – Executive Office of Public Safety and Security (“EOPSS”), Terrance Reidy, in his official capacity as Secretary of EOPSS, the Office of the Attorney General, and Andrea Joy Campbell, in her official capacity as Attorney General of Massachusetts – with Plaintiff’s assent, hereby move to extend their time to serve a Motion to Dismiss Plaintiff’s Complaint until October 31, 2023. The grounds for the motion are set forth below.

1. This matter is an action for declaratory judgment aimed at preventing the Commonwealth from prosecuting Plaintiff in the future for unlicensed possession of firearms under Mass. G.L. c. 269, § 10.
2. Plaintiff filed the Complaint in this matter on September 1, 2023.

3. On September 8, 2023, the Attorney General's Office received Plaintiff's Summons and Complaint directed at Attorney General Campbell.
4. On September 11, 2023, the EOPSS received Plaintiff's Summons and Complaint directed at Secretary Reidy.
5. Undersigned counsel has been assigned to represent all Defendants in this matter.
6. Pursuant to Federal Rule of Civil Procedure 12(a)(1), the deadline for Attorney General Campbell to file a response to Plaintiff's Complaint is September 29, 2023. The deadline for Secretary Reidy and the EOPSS to file a response is October 2, 2023.
7. To facilitate the filing of a single response and due to undersigned counsel's numerous deadlines in other matters, additional time is needed to prepare a response to the Complaint. Undersigned counsel is preparing an opposition to a motion for summary judgment, due September 29, 2023, in *Town of Douglas v. Tusino*, Worcester Super. Ct., Docket No. 2185CV01073, with a motion hearing scheduled for October 24, 2023; preparing a motion to dismiss, due October 2, 2023, in *McGuire v. Commonwealth of Massachusetts Nathan Aliah McGuire Agency*, D. Mass., Docket No. 1:23-cv-11872-DJC; and preparing an opposition to a motion for judgment on the pleadings, due October 16, 2023, in *Simoni v. Division of Insurance Board of Appeal*, Suffolk Super. Ct., Docket No. 2284CV00606.
8. Plaintiff, Kang Lu, assents to the Defendants' request to extend their time to file a motion to dismiss until October 31, 2023.

For the foregoing reasons, Defendants respectfully request that the time within which they must file their motion to dismiss Plaintiff's Complaint be extended to October 31, 2023.

Respectfully submitted,

EXECUTIVE OFFICE OF PUBLIC SAFETY
AND SECURITY (EOPSS), and TERENCE
REIDY, in his official capacity as Secretary of
EOPSS; OFFICE OF THE ATTORNEY
GENERAL, and ANDREA JOY CAMPBELL, in
her official capacity as Attorney General of
Massachusetts,

By their attorney,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Angélica L. Durón
Angélica L. Durón, BBO# 705315
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Dated: September 25, 2023

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Angélica L. Durón, Assistant Attorney General, hereby certify that on September 22, 2023, I conferred with Kang Lu, the pro se Plaintiff in this matter, by phone and discussed the foregoing motion. Plaintiff stated his assent to this motion.

/s/ Angélica L. Durón
Angélica L. Durón
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that this document filed electronical through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent by first class mail to those indicated as non-registered participants on September 25, 2023:

Kang Lu
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Brookline, MA 02446
libertywithoutlicense@gmail.com

/s/ Angélica L. Durón
Angélica L. Durón, BBO# 705315
Assistant Attorney General